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Developers, Bluffdale again headed for a divorce

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By Jacob Santini
The Salt Lake Tribune

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What's next?

Judge Anthony Quinn ordered both sides to submit all documents by Jan. 6 and be ready for trial shortly afterward. That's a possible problem for Bluffdale: City Attorney Dale Gardiner says he won't be on staff when Bluffdale's new administration takes over. Big development is again looking for an exit door in Bluffdale.

After a 3rd District Court hearing Thursday - in which a judge declined to end a de-annexation lawsuit by refusing to adopt a settlement agreement - developers who control more than a third of Bluffdale's landmass vowed to leave the city behind. And Tuesday's election results fueled that desire.

"We really don't see any prospects with the new mayor and some of the City Council," said James Lee Sorenson, CEO of Sorenson Development, which owns the 1,200-acre South Farms development.

Tuesday night, Bluffdale voters ousted Mayor Wayne Mortimer and City Councilman Morris Clark. Both supported the proposed settlement agreement that would have allowed South Farms and South Hills to build houses, apartments and a mixture of retail and other uses on the city's southern edge.

Voters elected Claudia Anderson as mayor and chose as council members Nancy Lord and Bill Maxwell. The three oppose the settlement and have signed a referendum designed to stop the project.

Surprisingly, everyone but Mortimer seemed content with Judge Anthony Quinn's decision.

The developers believe they have the law on their side, will win at trial and will de-annex from Bluffdale. Once out, they believe their projects would get approval from another municipality, such as neighboring Herriman or unincorporated Salt Lake County - which then would get the tax base created by the project.

Residents opposing the project are "wasting the taxpayer's money and time," said Dave Millheim, a managing partner of the South Hills development. "They've basically bargained away the future of a third of the town."

Councilwoman-elect Lord offered no regrets. "Justice occurred today," she said.

By the time the 10-minute session ended, Mortimer was hoping to broker a new deal before he leaves office Jan. 3.

"I've got to worry about how are we going to settle this," he said. "We've got a month and a half to do this."

But the developers say they are not interested.

"We will not negotiate any further," Millheim said, adding that he thought the three new officeholders were dishonest in their campaigns.

At issue Thursday was a settlement agreement signed by the developers and approved by the City Council - on a 4-1 vote - in October. The agreement was a consent decree that mandated how the developments would proceed.

The settlement was needed to end a deannexation lawsuit, which the developers filed because the city was blocking their projects. Bluffdale United, a resident group, opposed the project by arguing the housing densities of the developments would change the community's character.

Bluffdale is primarily composed of homes on one-acre lots. The two developments propose lot sizes as big as

one unit per acre to as high as 12 units per acre.

Bluffdale United attempted to scuttle the development with a referendum, which the settlement agreement skirted. But the settlement failed because the group, at the last minute, intervened in the lawsuit.

Opponents argued the 4-1 consent-degree vote illegally replaced the zoning process.

The judge said he had the right to sign the agreement, but declined because he didn't want to supplant the political process.

"This case is only about whether [the developers] can establish the statutory grounds for disconnection," Quinn ruled in a written opinion. "The issues in this case seem to be a meager basis for me to appoint myself the ultimate planning and zoning authority for 40 percent of Bluffdale City."